

February 19, 2014

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

MUR #

6788  
**SENSITIVE**

2014 FEB 28 AM 9:49

2014 FEB 25 PM 4:12

**TO:** Office of General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463

**FROM:** James R. Moore, , Shelbyville, Tn. 37160,

**Subject:** Complaint against Jim Tracy, Candidate for U.S. House Representative in Tennessee's 4<sup>th</sup> Congressional District for violations in the use of campaign account funds.

Dear Sir/Madam,

My name is James R. Moore and I am a registered voter residing at the above address in the Tennessee 4<sup>th</sup> Congressional District. I am requesting a review of Mr. Tracy's campaign finance records to determine if he has violated federal laws pertaining to the use/transfer of campaign finance money. I do not have personal knowledge that violations have occurred. However, it is my personal belief violations have occurred based on information I have obtained from a news media account in the Nashville Tennessean newspaper and a review of State of Tennessee Campaign finance records. I am attaching copies of the news article and a copy of a State of Tennessee Election Finance report filed by Mr. Tracy to support my complaint.

- Aside from being a candidate for federal office, Mr. Jim Tracy is also a Tennessee State Senator representing the 14<sup>th</sup> State Senate District in Tennessee. Because he is a Tennessee State Senator Mr. Tracy is required to file reports with the State of Tennessee which show all State contributions he has received and expenditures made from his State campaign finance account.
- In election year 2012 Tracy was not opposed in the November 6, 2012, Tennessee General Election in his bid to be re-elected State Senator. Following the General Election that he won; on January 2, 2013, Tracy announced his federal campaign for U.S Congressman.
- On October 8, 2013, an article appeared in the Nashville Tennessean (**Attachment 1**) that questioned expenditures from his State campaign account from November 14, 2012, to the end of 2012. The article pointed out that after November 14, 2012, a total of \$79,766 was paid to campaign consulting firms Barrett Johns , Nashville, TN (\$35,000) and Majority Strategies, Ponte Vedra Beach, FL (\$44,766).
- I have examined Tracy's 4<sup>th</sup> Quarter, 2012, State of Tennessee campaign finance report (**Attachment 2**) and note the following:
  - ✓ Expenditures of over \$108,000 during that quarter far exceed expenditures in Tracy's previous 2012 quarterly, pre-primary, and pre-general campaign reports.
  - ✓ In 2012, prior to the November 6<sup>th</sup> Tennessee General Election, the only payments made by Tracy to Barrett Johns totaled \$7,980 and there were no payments to Majority Strategies. However in the same pre-election period of time there was \$39,004 in payments to another campaign consulting firm, Margin of Victory Partners, Collierville, TN. which seems to indicate Margin of Victory was the firm he used for the majority of his campaign services prior to the general election.

- I have observed in FEC reports that Jim Tracy appears to be paying Barrett Johns or (depending on the month) Rachel Barrett & Company \$5,000 for professional services for his federal campaign. Rachel Barrett is a principal with both firms and those two firms share the same Nashville, Tennessee address. The \$5,000 monthly figure is very similar to the quote by Ms. Barrett in the newspaper article when she said "\$20,000 (of the \$35,000) was a retainer that stretched over five months, beginning in August 2012."

Based on "the reasonable man" approach I am led to believe that Jim Tracy has violated Federal Campaign laws. However, that is only a decision the FEC can make and I will respect your final decision.

Any questions can be directed to me at my telephone number or email address shown above.

Sincerely,



James R. Moore  
Shelbyville, TN.

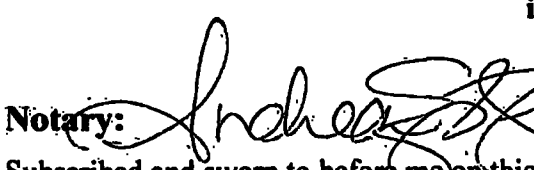
**Attachments:**

Attachment 1 – October 8, 2013 Tennessean Article

Attachment 2 – State Senator Jim Tracy 4th Quarter, 2012 Campaign Finance Report filed on February 13, 2013.

**Three additional copies of this signed and notarized complaint are included per FEC instructions.**

Notary:

  
Subscribed and sworn to before me on this 19th day of FEB, 2014.

My commission expires 5/16/2016



## **Attachment 1 – October 8, 2013 Tennessean Article**

<http://www.tennessean.com/article/20131008/NEWS02/310080038/>

**State Sen. Tracy says breakfast was about constituents, not U.S. House campaign kickoff**

**Jim Tracy held pancake breakfast in Murfreesboro 10 days before entering U.S.**

**House race**

**By Chas Sisk**

**| The Tennessean**

State Sen. Jim Tracy says a pancake breakfast held 10 days before he announced plans to run for the U.S. House of Representatives was unrelated to the campaign.

Tracy, R-Shelbyville, said Monday that a Dec. 22 event that drew several hundred people was designed to help him get to know constituents. Rachel Barrett, a consultant who helped organize the breakfast and now advises Tracy's congressional campaign, said the event was limited to voters in his newly reconfigured state Senate district.

The breakfast has been called into question — most recently by a former county GOP leader — because federal law generally prohibits candidates from using money raised for state campaigns in their congressional bids.

State filings show that Jim Tracy for State Senate spent more than \$40,000 on the pancake breakfast, held at the Doubletree Hotel in Murfreesboro.

Tracy was widely known to be considering a run for Congress at the time, but a Daily News Journal account of the event said he declined to comment on the possibility that day. Tracy announced Jan. 1 that he would challenge U.S. Rep. Scott DesJarlais, R-South Pittsburg, to represent the 4th Congressional District.

The breakfast was billed as an opportunity to meet Tracy and make donations to Toys for Tots. Tracy said that it was similar to a tailgate event he did at a Middle Tennessee State University football game in 2011.

"I always try to be accessible to my constituents, and this is a perfect way for them to talk to me about the issues, especially with two new counties in my Senate district," Tracy said. "I do a little more listening than talking at these events."

The event has drawn periodic scrutiny, most recently in an opinion piece published Oct. 1 in a Franklin County newspaper. Writing in the Winchester Herald Chronicle, former Franklin County GOP Chairman Mike Hart questioned Jim Tracy for State Senate's payments to Majority Strategies, a Ponte Vedra Beach, Fla., mailing firm.

The event was part of a flurry of spending by Tracy's Senate campaign after the November general election, in which he was unopposed. The state senator spent more than \$108,000 between Nov. 14, 2012, and the end of the year.

Barrett Johns Strategies, a Nashville political consulting firm, received \$35,000 for "professional

services." Rachel Barrett released invoices Monday that showed \$15,000 of that was related to the breakfast and \$20,000 was a retainer that stretched over five months, beginning in August 2012.

Majority Strategies received \$14,378 to print and mail invitations to the breakfast, which Barrett said was attended by 800 to 1,000 people. The firm was also paid \$20,388.03 to print and mail Christmas cards for Tracy and \$10,000 for a voter survey, which asked for opinions on topics such as wine in grocery stores, drug testing for welfare recipients and the state's income tax on investments.

Like invitations to the breakfast, Barrett said, the Christmas cards and survey went only to voters living in his Senate district, which covers Bedford, Lincoln, Marshall and Moore counties and part of Rutherford.

The 4th Congressional District encompasses those counties plus several others.

**END OF ARTICLE**

**Attachment 2 – State Senator Jim Tracy 4th Quarter, 2012 Campaign  
Finance Report filed on February 13, 2013.**

This report can be found by going to the State of Tennessee Bureau of Ethics and Campaign  
Finance website at <http://www.tn.gov/tref/>

**Amended 2012 4th Quarter for JIM TRACY submitted on 02/13/2013**

**BEGINNING BALANCE**

**\$106,955.02**

**RECEIPTS**

**MONETARY CONTRIBUTIONS, UNITEMIZED**

**\$0.00**

**MONETARY CONTRIBUTIONS, ITEMIZED**

11 items found, displaying all items.

**CIGNA CORPORATION PAC**

174 WATERFRONT STREET, SUITE 500  
NATIONAL HARBOR, MD 20745

P General 12/13/2012 \$250.00 \$250.00

**ELI LILLY & CO. PAC**

LILLY CORPORATE CENTER  
INDIANAPOLIS, IN 46285

P General 12/13/2012 \$500.00 \$500.00

**HAMILTON-RYKER IT SOLUTIONS**

P.O. BOX 1068  
MARTIN, TN 38237

General 12/13/2012 \$250.00 \$500.00

**HOLBERT, KENNETH**

130 LAUREL HILL DR.  
SMYRNA, TN 37167  
BEST EFFORT  
BEST EFFORT

General 12/13/2012 \$200.00 \$200.00

**LITTLEJOHN, JAMES**

General 12/05/2012 \$200.00 \$200.00

2121 CHICKERING LN.  
NASHVILLE, TN 37215  
Engineer  
Self-Employed

TENNESSEE PARENTS/TEACHERS PUTTING STUDENTS FIRST  
P.O. BOX 160833  
NASHVILLE, TN 37216

P General 12/27/2012 \$1,000.00 \$1,000.00

VERIZON PAC  
106 E. COLLEGE AVE., STE. 710  
TALLAHASSEE, FL 32301

P General 12/13/2012 \$250.00 \$250.00

WETHERINGTON, MERINDA  
105 GOLF DRIVE LANE  
FAYETTEVILLE, TN 37334  
HOMEMAKER  
HOMEMAKER

Primary 12/31/2012 \$900.00 \$900.00

WETHERINGTON, MERINDA  
105 GOLF DRIVE LANE  
FAYETTEVILLE, TN 37334  
HOMEMAKER  
HOMEMAKER

General 12/31/2012 \$1,400.00 \$1,400.00

WETHERINGTON, WILLIAM M  
105 GOLF DRIVE  
FAYETTEVILLE, TN 37334  
BUSINESS OWNER  
AMERICAN DEVELOPMENT CORPORATION

Primary 12/31/2012 \$400.00 \$1,400.00

WETHERINGTON, WILLIAM M  
105 GOLF DRIVE  
FAYETTEVILLE, TN 37334  
BUSINESS OWNER  
AMERICAN DEVELOPMENT CORPORATION

General 12/31/2012 \$1,900.00 \$1,400.00

TOTAL CONTRIBUTIONS (OTHER THAN ADJUSTMENTS, LOANS, AND INTEREST)

\$7,250.00

CONTRIBUTION ADJUSTMENTS

One item found.

WETHERINGTON, WILLIAM M  
105 GOLF DRIVE  
FAYETTEVILLE, TN 37334  
BUSINESS OWNER  
AMERICAN DEVELOPMENT CORPORATION

General 12/31/2012 [\$500.00] \$1,400.00

#### LOANS RECEIVED

No loans found on this report.

#### INTEREST RECEIVED

\$0.00

#### TOTAL RECEIPTS

\$6,750.00

#### DISBURSEMENTS

##### EXPENDITURES, UNITEMIZED

No unitemized expenditures found on this report.

##### EXPENDITURES, ITEMIZED

37 items found, displaying all items.

BARRETT JOHNS STRATEGIES  
611 COMMERCE STREET, STE. 2927  
NASHVILLE, TN 37203

PROFESSIONAL SERVICES- CHRISTMAS  
BREAKFAST

12/27/2012 \$10,000.00

BARRETT JOHNS STRATEGIES  
611 COMMERCE STREET, STE. 2927  
NASHVILLE, TN 37203

PROFESSIONAL SERVICES- YEAR END

12/07/2012 \$20,000.00

BARRETT JOHNS STRATEGIES  
611 COMMERCE STREET, STE. 2927  
NASHVILLE, TN 37203

PROFESSIONAL SERVICES NOVEMBER

11/26/2012 \$5,000.00

BELL, MIKE  
261 COUNTY ROAD 757  
RICEVILLE, TN 37370

C CONTRIBUTION

12/31/2012 \$500.00

<b>CUMULUS</b> <b>P.O. BOX 643198</b> <b>CINCINNATI, OH 45264</b>	<b>ADVERTISING</b>	<b>12/13/2012</b>	<b>\$1,700.00</b>
<b>CUSTOM DESIGNS</b> <b>116 COLLEGE STREET</b> <b>WINCHESTER, TN 37398</b>	<b>BEREAVEMENT</b>	<b>11/28/2012</b>	<b>\$32.78</b>
<b>CYSTIC FIBROSIS FOUNDATION OF</b> <b>TENNESSEE</b> <b>4825 TROUSDALE DR. SUITE 238</b> <b>NASHVILLE, TN 37220</b>	<b>DONATION</b>	<b>12/27/2012</b>	<b>\$150.00</b>
<b>DOUBLETREE HOTEL</b> <b>1850 OLD FORT PARKWAY</b> <b>MURFREESBORO, TN 37130</b>	<b>BREAKFAST EVENT</b>	<b>12/26/2012</b>	<b>\$12,366.64</b>
<b>ELK VALLEY TIMES</b> <b>418 N. ELK AVE.</b> <b>FAYETTEVILLE, TN 37334</b>	<b>DUES / SUBSCRIPTIONS</b>	<b>01/12/2013</b>	<b>\$37.00</b>
<b>FAYETTEVILLE CHAMBER OF</b> <b>COMMERCE</b> <b>208 SOUTH ELK AVENUE P.O. BOX 515</b> <b>FAYETTEVILLE, TN 37334</b>	<b>MEMBERSHIP</b>	<b>12/30/2012</b>	<b>\$150.00</b>
<b>FLAT CREEK MANAGEMENT, LLC</b> <b>1708 21ST AVE. SOUTH #140</b> <b>NASHVILLE, TN 37212</b>	<b>ANNUAL WEBSITE FEE</b>	<b>12/04/2012</b>	<b>\$588.00</b>
<b>FLAT CREEK MANAGEMENT. LLC</b> <b>1708 21ST AVE. SOUTH #140</b> <b>NASHVILLE, TN 37212</b>	<b>WEBSITE</b>	<b>11/28/2012</b>	<b>\$49.00</b>
<b>FLS CONNECT</b> <b>7300 HUDSON BLVD. SUITE 270</b> <b>ST. PAUL, MN 55128</b>	<b>PROFESSIONAL SERVICES- CHRISTMAS</b> <b>BREAKFAST</b>	<b>12/21/2012</b>	<b>\$751.46</b>
<b>GAMBILL PHOTOGRAPHY</b> <b>401 NORTH WALNUT STREET</b> <b>MURFREESBORO, TN 37130</b>	<b>PROFESSIONAL SERVICES</b>	<b>12/22/2012</b>	<b>\$600.00</b>
<b>GILL MEDIA</b> <b>1616 WESTGATE CIRCLE</b>	<b>ADVERTISING</b>	<b>12/12/2012</b>	<b>\$1,000.00</b>



BRENTWOOD, TN 37027

HARLAN'S FLOWERS

811 FAYETTEVILLE HWY  
LYNCHBURG, TN 37352

JARNAGIN, STEPHANIE

1020 CHICAMAUGA AVE.  
NASHVILLE, TN 37206

JARNAGIN, STEPHANIE

1020 CHICAMAUGA AVE.  
NASHVILLE, TN 37206

MAJORITY STRATEGIES

135 PROFESSIONAL DRIVE, SUITE 104  
PONTE VEDRA BEACH, FL 32082

MAJORITY STRATEGIES

135 PROFESSIONAL DRIVE, SUITE 104  
PONTE VEDRA BEACH, FL 32082

MAJORITY STRATEGIES

135 PROFESSIONAL DRIVE, SUITE 104  
PONTE VEDRA BEACH, FL 32082

MARSHALL COUNTY CHAMBER OF  
COMMERCE

227 2ND AVENUE N.  
LEWISBURG, TN 37091

MOORE COUNTY NEWS

PO BOX 500  
LYNCHBURG, TN 37352

MTMC FOUNDATION

1700 MEDICAL CENTER PARKWAY  
MURFREESBORO, TN 37129

OFFICE MAX

1960 OLD FORT PKWY.  
MURFREESBORO, TN 37129

PRECIOUS PETALS

BEREAVEMENT

12/26/2012 \$54.75

PROFESSIONAL SERVICES

11/26/2012 \$1,000.00

PROFESSIONAL SERVICES

12/28/2012 \$5,000.00

PROFESSIONAL SERVICES- SURVEY

12/11/2012 \$10,000.00

PROFESSIONAL SERVICES- CARD

12/01/2012 \$20,388.03

PROFESSIONAL SERVICES- MAIL INVITATION

12/04/2012 \$14,378.22

MEMBERSHIP

12/30/2012 \$215.00

SUBSCRIPTION

11/14/2012 \$30.00

DONATION

12/31/2012 \$1,000.00

OFFICE SUPPLIES, PRINTING

12/19/2012 \$478.55

BEREAVEMENT

12/30/2012 \$99.33

299 MADISON STREET  
SHELLBYVILLE, TN 37160

PRECIOUS PETALS

BEREAVEMENT

12/04/2012

\$76.28

299 MADISON STREET  
SHELLBYVILLE, TN 37160

PRECIOUS PETALS

BEREAVEMENT

11/14/2012

\$49.39

299 MADISON STREET  
SHELLBYVILLE, TN 37160

RICHARDSON, WILL

CAMPAIGN WORK

12/04/2012

\$500.00

1911 BRIGHTON DR.  
MURFREESBORO, TN 37130

SHELBYVILLE TIMES-GAZETTE

ADVERTISING

11/14/2012

\$150.00

PO BOX 380  
SHELBYVILLE, TN 37162

THE FLOWER HOUSE

BEREAVEMENT

11/28/2012

\$54.75

401 SOUTH MAIN STREET  
FAYETTEVILLE, TN 37334

U.S. POSTMASTER

POST OFFICE BOX

12/31/2012

\$86.00

825 S. CHURCH ST.  
MURFREESBORO, TN 37130

VERIZON WIRELESS

TELEPHONE

12/29/2012

\$1,533.27

PO BOX 660108  
DALLAS, TX 75266

VOLUNTEER FIRE SERVICES

SPONSORSHIP

12/26/2012

\$100.00

104 PRINCE STREET  
SHELBYVILLE, TN 37180

WAL-MART

SUPPLIES FOR CHRISTMAS BREAKFAST- NAME  
TAGS, PENS

12/19/2012

\$61.95

RUTHERFORD BLVD.  
MURFREESBORO, TN 37127

WGNS

ADVERTISING

12/31/2012

\$120.00

306 S. CHURCH ST.  
MURFREESBORO, TN 37130

WJLM RADIO

ADVERTISING

12/12/2012

\$142.50

P.O. BOX 2025  
LEWISBURG, TN 37091

**TOTAL EXPENDITURES (OTHER THAN ADJUSTMENTS, LOAN PAYMENTS AND OBLIGATION PAYMENTS)**

**\$108,442.90**

**EXPENDITURES ADJUSTMENTS**

**No expenditure adjustments found on this report.**

**LOAN PAYMENTS**

**No loan payments found on this report.**

**OBLIGATION PAYMENTS**

**No obligation payments found on this report.**

**TOTAL DISBURSEMENTS**

**\$108,442.90**

**ENDING BALANCE**

**\$5,262.12**

***In-Kind Contributions & Obligations are not included in the report ending balance.***

**OUTSTANDING LOANS**

**\$0.00**

**No outstanding loans found on this report.**

**IN-KIND CONTRIBUTIONS**

**IN-KIND CONTRIBUTIONS, UNITEMIZED**

**\$0.00**

**IN-KIND CONTRIBUTIONS, ITEMIZED**

**No itemized in-kind contributions found on this report.**

**TOTAL IN-KIND CONTRIBUTIONS**

\$0.00

## OBLIGATIONS

### OBLIGATIONS, UNITEMIZED

\$0.00

### OBLIGATIONS, ITEMIZED

No obligations found on this report.

### OBLIGATIONS, OUTSTANDING

No outstanding obligations found on this report.

### TOTAL OBLIGATIONS OUTSTANDING

\$0.00

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**END OF REPORT**